19

S.B. CIVIL MISC. APPEAL NO.979/2007.
Bhoma Ram & Anr. Vs. Ghanshyam & Ors.

Date of Order :: 27th February 2007.

HON'BLE MR. JUSTICE DINESH MAHESHWARI

Mr. Sanjay Nahar, for the appellants.

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BY THE COURT:

To the parents of about 19 years old vehicular accident victim Om Prakash, the Tribunal has awarded compensation in the sum of Rs. 2,29,000/- while assessing pecuniary loss at Rs.2,25,000/- by taking notional income of the deceased at Rs.15,000/- per annum and without deducting anything wherefrom with application of multiplier of 15. The claimant-appellants seek enhancement in this appeal.

The award of compensation as made by the Tribunal in this case cannot be said to be too low or grossly inadequate. For want of any cogent and reliable evidence regarding the income of the deceased, the Tribunal cannot be said to have erred in not believing on the assertion of the claimants about his income from tuitions and as a contractor at Rs.3,000/- per month. Then, the deceased being an unmarried person, the aspect of his getting married in future and a larger part of his income getting diverted to his own

family could not have been ignored. Though the amount of non-pecuniary loss as allowed by the Tribunal at Rs.2,000/- appears to be on the lower side but in the ultimate analysis, with the higher assessment on pecuniary loss, the ultimate amount of compensation as awarded by the Tribunal cannot be said to be falling short of just compensation admissible in this case. The award in question does not warrant interference in appeal at the instance of the claimants. d

The appeal fails and is, therefore, dismissed summarily.

(DINESH MAHESHWARI), J.

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